

## SENATE BILL NO. 327

INTRODUCED BY J. BALYEAT

A BILL FOR AN ACT ENTITLED: "AN ACT EXEMPTING A PERSON ENGAGED SOLELY IN THE BUSINESS OF BAIL BONDS FROM THE REQUIREMENT OF OBTAINING CONTINUING EDUCATION IN THE FIELD OF INSURANCE; CLARIFYING THAT A JUDGE IS NOT AUTHORIZED TO ACT AS SURETY OR FURNISH BAIL; PROVIDING THAT BAIL OF CASH, STOCKS, BONDS, CERTIFICATES OF DEPOSIT, OR OTHER PERSONAL PROPERTY APPROVED BY THE COURT MUST BE DEPOSITED ALL AT ONCE AND MAY NOT BE DEPOSITED IN INSTALLMENTS; AND AMENDING SECTIONS 33-17-1203, 46-9-401, AND 46-9-402, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 33-17-1203, MCA, is amended to read:

**"33-17-1203. Continuing education -- basic requirements -- exceptions.** (1) Unless exempt under subsection (4):

(a) a person licensed to act as an insurance producer or as a consultant other than a person licensed for limited lines credit insurance shall, during each 24-month period, complete at least 24 credit hours of approved continuing education;

(b) a person licensed to act as an insurance producer only for limited lines credit insurance shall, during each biennium, complete 5 credit hours of approved continuing education in the areas of insurance law, ethics, or limited lines credit insurance;

(c) a person licensed as an insurance producer or consultant shall, during each biennium, complete at least 1 credit hour of approved continuing education on changes in Montana insurance statutes and administrative rules.

(2) If a person licensed as an insurance producer or consultant completes more credit hours of approved continuing education in a biennium than the minimum required in subsection (1), the excess credit hours may be carried forward and applied to the continuing education requirements of the next biennium.

(3) The commissioner may, for good cause, grant an extension of time, not to exceed 1 year, during which the requirements imposed by subsection (1) may be completed.

(4) The minimum continuing education requirements do not apply to:

(a) a person holding a temporary license issued under 33-17-216; ~~or~~

(b) a person engaged solely in the business of bail bonds, including surety bail bonds; or

~~(b)(c)~~ an insurance producer or consultant otherwise exempted by the commissioner."

**Section 2.** Section 46-9-401, MCA, is amended to read:

**"46-9-401. Forms of bail.** (1) Bail may be furnished in the following ways:

(a) by a deposit with the court of an amount equal to the required bail of cash, stocks, bonds, certificates of deposit, or other personal property approved by the court, and the full amount must be deposited all at once and may not be deposited, or allowed by the court to be deposited, in installments;

(b) by pledging real estate situated within the state with an unencumbered equity, not exempt, owned by the defendant or sureties at a value double the amount of the required bail;

(c) by posting a written undertaking executed by the defendant and by two sufficient sureties;

(d) by posting a commercial surety bond executed by the defendant and by a qualified agent for and on behalf of the surety company; or

(e) by posting an offender's driver's license in lieu of bail if the summons describes a violation of any offense in Title 61, chapters 3 through 10, except chapter 8, part 4, and if the offender is the holder of an unexpired driver's license.

(2) The amount of the bond must ensure the appearance of the defendant at all times required through all stages of the proceeding including trial de novo, if any, and unless the bond is denied by the court pursuant to 46-9-107, must remain in effect until final sentence is pronounced in open court.

(3) This chapter does not prohibit a surety from surrendering the defendant pursuant to 46-9-510 in a case in which the surety feels insecure in accepting liability for the defendant.

(4) Whenever a driver's license is accepted in lieu of bail, the judge shall return the driver's license to the defendant:

(a) after the required bail has been posted or there has been a final determination of the charge; and

(b) if the defendant pleaded guilty or was convicted, after a \$25 administrative fee has been paid to the court."

**Section 3.** Section 46-9-402, MCA, is amended to read:

1           **"46-9-402. Persons prohibited from furnishing bail security.** No An attorney-at-law and no or a judge  
2     or other official authorized to admit another to bail shall may not act as surety or furnish bail."  
3                                 - END -